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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,216	07/29/2003	Steven Ausnit	769-222 Div.6	5314
7590	04/20/2004		EXAMINER	
PITNEY, HARDIN, KIPP & SZUCH LLP 685 Third Avenue New York, NY 10017			SIPOS, JOHN	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/629,216	AUSNIT, STEVEN
	Examiner	Art Unit
	John Sipos	3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4,5&9</u> . | 20) <input type="checkbox"/> Other: _____ . |

REJECTIONS OF CLAIMS BASED ON PRIOR ART

The following is a quotation of 35 U.S.C. ' 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. ' 103(a) as being unpatentable over the patent to Bois (6,131,374) in view of Ausnit (3,746,215). The patent to Bois shows bag forming process comprising of longitudinally moving a film and attaching crosswise a fastener at 70 where in the fastener comprises laterally positioned webs on each of its profiles connected in aU-shape (see Figure 3). The patent to Bois lacks the use of pouring spout. The patent to Ausnit shows a bag that comprises a structure 17 in combination with the fastener a U-shaped fastener/webs structure (see Figures 2 and 4) that is long enough to extend over the fastener when it is inverted over the fastener (see Figure 6) and act as a pouring spout. It would have been obvious to one skilled in the art to increase the length of the U-shaped webs 130 of Bois so that it could act as a pouring spout when inverted over the fastener 112 as shown by Ausnit.

Claim 15 is rejected under 35 U.S.C. ' 103(a) as being unpatentable over the patent to St. Philips (5,964,532) in view of Ausnit (3,746,215). The patent to St. Philips shows a bag with a fastener 14 comprising of interlocked profiles and webs 24,30 that extend into and joined together within the bag and which has a line of weakness 38. It would have been obvious to one skilled in the art to increase the length of the U-shaped webs 24,30 of St. Philips so that it could act as a pouring spout when inverted over the fastener 14 as shown by Ausnit. The application of

a fastener crosswise to a longitudinally extending web in a bag making process is well known in the art and such attachment would have been obvious to one skilled in the art.

ADDITIONAL REFERENCES CITED

The following prior art is made of record but has not been relied upon in the rejection of claims. However, the prior art is considered pertinent to applicant's disclosure.

The patents to Buchman, Amundson, , Ausnit (792), Ausnit (653), Ausnit (376), Ausnit (801), Ausnit (230) and Madsen show film webs that are normally positioned within a bag and when inverted to cover the fastener act as a pouring spouts.

The patents to Johnson and van Erden show bag forming operatins with the fastener strip being attached crosswise to a film web.

Any inquiry concerning this communication should be directed to **Examiner John Sipos** at telephone number **(703) 308-1882**. The examiner can normally be reached from 6:30 AM to 5:00 PM Tuesday through Friday.

The **FAX** number for Group 3700 of the Patent and Trademark Office is **(703) 305-3579**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Peter Vo, can be reached at (703) 308-1789.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-1148.



John Sipos
Primary Examiner
Art Unit 3721

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